

AMENDED IN SENATE JULY 6, 2011  
AMENDED IN SENATE JUNE 1, 2011  
AMENDED IN ASSEMBLY MAY 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 655**

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**Introduced by Assembly Member Hayashi**

February 16, 2011

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An act to add Section 809.08 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 655, as amended, Hayashi. Healing arts: peer review.

Existing law provides for the professional review of specified healing arts licentiates through a peer review process conducted by peer review bodies, as defined.

This bill would require a peer review body to respond to the request of another peer review body and produce relevant peer review information about a licentiate that was subject to peer review by the responding peer review body for a medical disciplinary cause or reason. The bill would require the responding peer review body to determine the manner by which to produce the information, as specified. The bill would provide that the information produced pursuant to this provision is not subject to discovery, as specified, and may be used only for peer review purposes. *The bill would require that all relevant information produced be made available to the licentiate by the requesting peer review body.* The bill would require the requesting peer review body, upon request, to sign a specified sharing agreement with the responding peer review body, and to indemnify the responding peer review body

for certain claims relating to the improper release or disclosure of information. The bill would require the licentiate under review to, upon request, release the responding peer review body from liability for the disclosure of information. The bill would specify that the responding peer review body is not obligated to produce information unless certain conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 809.08 is added to the Business and  
2     Professions Code, to read:  
3     809.08. (a) The Legislature hereby finds and declares that the  
4     sharing of information between peer review bodies is essential to  
5     protect the public health.  
6     (b) Upon receipt of reasonable processing costs, a peer review  
7     body shall respond to the request of another peer review body and  
8     produce relevant peer review information about a licentiate that  
9     was subject to peer review by the responding peer review body  
10    for a medical disciplinary cause or reason. The responding peer  
11    review body shall determine the manner by which to produce such  
12    information and may elect to do so through (1) a written summary  
13    of relevant peer review information or (2) a relevant peer review  
14    record. Relevant peer review information or peer review record  
15    includes, but is not limited to, allegations and findings, explanatory  
16    or exculpatory information submitted by the licentiate, any  
17    conclusions made, any actions taken, and the reasons for those  
18    actions, to the extent not otherwise prohibited by applicable federal  
19    or state law. The information shall not identify any person except  
20    the licentiate. The information produced by a peer review body  
21    pursuant to this section shall be used solely for peer review  
22    purposes and shall not be subject to discovery to the extent  
23    provided in Sections 1156.1 and 1157 of the Evidence Code and  
24    any other applicable provisions of law. *All relevant peer review*  
25    *information produced pursuant to this section shall be made*  
26    *available to the licentiate by the requesting peer review body in*  
27    *accordance with Section 809.2.*  
28    (c) The responding peer review body acting in good faith is not  
29    subject to civil or criminal liability for providing information to

1 the requesting peer review body pursuant to this section. The peer  
2 review body responding to the request shall be entitled to all  
3 confidentiality protections and privileges provided by law as to  
4 the information disclosed pursuant to this section. Prior to the  
5 release of any peer review information pursuant to this section,  
6 the requesting peer review body shall, upon request, sign a mutually  
7 agreeable peer review sharing agreement with the responding peer  
8 review body, and shall also indemnify the responding peer review  
9 body for any and all claims, demands, liabilities, losses, damages,  
10 costs, and expenses, including reasonable attorney's fees, resulting  
11 in any manner, directly or indirectly, from the receiving peer review  
12 body's improper release or disclosure of information shared  
13 pursuant to this section.

14 (d) Prior to the release of any peer review information pursuant  
15 to this section, the licentiate under review by the peer review body  
16 requesting information pursuant to this section shall, upon request,  
17 release the responding peer review body, its members, and the  
18 health care entity for which the responding peer review body  
19 conducts peer reviews, from liability for the disclosure of  
20 information in compliance with this section.

21 (e) The responding peer review body is not obligated to produce  
22 the relevant peer review information pursuant to this section unless  
23 both of the following conditions are met:

24 (1) The licentiate provides a release, as described in subdivision  
25 (d), that is acceptable to the responding peer review body.

26 (2) The requesting peer review body signs a mutually agreeable  
27 peer review sharing agreement, as described in subdivision (c),  
28 with the responding peer review body.